

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-41559
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 28, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERVEY ROEL,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:14-CR-145-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Hervey Roel appeals his guilty plea convictions for drug offenses and the resulting 300-month sentence, which was below the Guidelines. Roel argues that his guilty plea and the waiver of his appellate rights were not knowing and voluntary. The Government moves to summarily dismiss the appeal as barred by the appeal waiver or, in the alternative, moves for an extension of time to file a brief.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 15-41559

We review de novo the validity of an appeal waiver. *United States v. Burns*, 433 F.3d 442, 445 (5th Cir. 2005). Roel's signed plea agreement and rearraignment transcript show that he freely and knowingly pleaded guilty and waived his appellate rights. *See United States v. Portillo*, 18 F.3d 290, 292 (5th Cir. 1994); *United States v. Guerra*, 94 F.3d 989, 995 (5th Cir. 1996). Accordingly, IT IS ORDERED that the Government's motion for dismissal is GRANTED, and the appeal is DISMISSED. The alternative motion for an extension of time to file a brief is DENIED as unnecessary.